

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

28661

FILE: B-214990**DATE:** June 29, 1984**MATTER OF:** Miranda Associates, Inc.**DIGEST:**

Selection of contractor for award under section 8(a) of the Small Business Act is within the discretion of the contracting agency and the Small Business Administration and will not be questioned absent a showing of fraud or bad faith on the part of government officials or allegations that SBA regulations have been violated.

Miranda Associates, Inc. (Miranda), protests the Small Business Administration's (SBA) proposed selection of another company for the award of a contract under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1982). Miranda alleges that the Office of Bilingual Education and Minority Languages, Department of Education (the contracting agency), led it to believe it was first in line to receive the award.

Section 8(a) of the Small Business Act authorizes SBA to enter into contracts with any government agency with procuring authority and to arrange the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns. The contracting officer is authorized "in his discretion" to let contracts to SBA upon such terms and conditions as may be agreed upon by the procuring agency and SBA. In light of this discretion, we will not question the selection of an 8(a) contractor unless the protester either demonstrates fraud or bad faith on the part of government officials or contends that applicable regulations have not been followed. Native American Consultants, Inc., B-212714, September 16, 1983, 83-2 CPD 337; Arawak Consulting Corp., 59 Comp. Gen. 522 (1980), 80-1 CPD 404. Since Miranda does not allege either basis here, we will not consider the protest.

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The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel